

House Health & Human Resources Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1674

House Bill No. 1558

by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 71-6-102(9), is amended by deleting the subdivision in its entirety and by substituting instead the following:

“Imminent danger” means conditions calculated to and capable of producing within a relatively short period of time a reasonably strong probability of resultant irreparable physical or mental harm and/or the cessation of life if such conditions are not removed or alleviated.

Provided, however, the department shall not be required to assume responsibility for a person in imminent danger pursuant to this chapter except when, in the department’s determination, sufficient resources exist for the implementation of this part.

Section 2. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by deleting the language “imminent danger of death” every time it appears and by substituting instead the language “imminent danger”.

Section 3. Tennessee Code Annotated, Section 71-6-107(a)(3), is amended by deleting the language “five (5) days of entering an order pursuant to this section,” and by substituting instead the language “seven (7) days of entering an order pursuant to this section, or for good cause shown, then up to fifteen (15) days,”.

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Section 4. Tennessee Code Annotated, Section 71-6-107(a)(6), is amended by inserting the following language between the first and second sentences of the subdivision:

Provided, however, the court in its discretion may extend such period for a period no longer than an additional six (6) months.

Section 5. Tennessee Code Annotated, Section 71-6-107(a)(4) is amended by adding the following language at the end of the first sentence of the subdivision:

, unless for good cause shown, a shorter time is allowed by the court

Section 6. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following new section:

Section _____. Willful physical abuse or gross neglect of an impaired adult with resulting serious mental or physical harm shall be punishable as an aggravated assault.

Section 7. Tennessee Code Annotated, Section 71-6-107(a)(1), is amended by designating the existing subdivision as (a)(1)(A) and by adding the following as a new subdivision (a)(1)(B):

(a)(1)(B) In situations where the department must present a petition for emergency removal of an adult in imminent danger and a chancellor or circuit judge is unavailable, the department may present petitions to

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judicial officers with general sessions jurisdiction. Further proceedings shall be conducted in chancery or circuit court.

Section 8. Tennessee Code Annotated, Section 71-6-104, is amended by designating the existing language as subsection (a), and by adding the following as a new subsection (b):

(b) The court may enjoin from providing care for any person, on a temporary or permanent basis, any employee or volunteer, who the court finds has engaged in the abuse, neglect or exploitation of an adult as defined in this part, in any situation involving the care of such adult by such employee or volunteer, whether such actions occurred in an institutional setting, in any type of group home or foster care arrangement serving adults, and regardless of whether such person, facility or arrangement serving adults is licensed to provide care for adults.

Section 9. Tennessee Code Annotated, Section 71-6-102, is amended by adding the following as a new subdivision (12):

(12) "Sexual abuse" occurs when an adult as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person other than the spouse of the adult into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an adult as defined in this chapter, is unable to give consent to

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such sexual activities or contact and is engaged in such activities or contact with another person other than the spouse of the adult.

Section 10. Tennessee Code Annotated, Section 71-6-107 (a)(1), is amended by adding the following at the end of the existing subdivision:

For the purposes of this section, sexual abuse as defined in this chapter, shall provide grounds for the department to obtain custody of an adult who lacks capacity to consent when such abuse relates to sexual activity or contact.

Section 11. Tennessee Code Annotated, Section 71-6-107(a)(1), is further amended by deleting the language "imminent death" in the first sentence of the subdivision and by substituting instead the language "imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life".

Section 12. Tennessee Code Annotated, Section 71-6-107(a)(5)(A), is amended by deleting the language "imminent death" every time it appears and by substituting instead the language "imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life".

Section 13. Tennessee Code Annotated, Section 71-6-107(a)(5)(A), is further amended by deleting the language "imminence or danger of death" and by substituting instead the language "imminent danger of irreparable physical or mental harm, or both, and/or the cessation of life".

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Section 14. Tennessee Code Annotated, Section 71-6-103(l), is amended by deleting the language “substantially decrease the adult’s chances of survival” in the last sentence of the subsection and by inserting instead the language “substantially increase the adult’s likelihood of irreparable physical or mental harm, or both, and/or the cessation of life”.

Section 15. Tennessee Code Annotated, Section 71-6-107(a)(2), is amended by inserting the language “ or the general sessions court judge,” between the language “chancellor” and the punctuation “,”.

Section 16. Tennessee Code Annotated, Section 71-6-114(a), is amended by inserting the language “, general sessions,” between the language “circuit” and the language “and”.

Section 17. Tennessee Code Annotated, Section 71-6-102(1), is amended by deleting the language “living alone” in the first sentence of the subdivision.

Section 18. The caption of the printed bill is amended by deleting the language “abuse of elderly persons” and by substituting instead the language “adult protective services”.